

REMARKS

The Office Action of October 3, 2008 has been reviewed and the Examiner's comments carefully considered. Claims 1-27 have been cancelled and new claims 28-54 have been presented by way of this Amendment. Accordingly, claims 28-54 are currently pending in this application, and claim 28 is in independent form. Support for the amendments made herein can be found in Figs. 1a-12, at page 5, line 28 to page 15, line 31 of the specification, as filed, and in original claims 1-27, as filed. Applicant respectfully submits that no new matter is being added by way of the current Amendment.

Claims 1-3, 14 and 19-21 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 4,230,231 to Burnett et al. (hereinafter "Burnett"). Claims 1, 2, 4, 14 and 19-21 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 6,216,897 to Wagner (hereinafter "Wagner"). Claims 1-5, 14 and 18-21 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 1,381,365 to Taliaferro (hereinafter "Taliaferro"). Claims 1-3, 5, 6, 14 and 19-27 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 3,499,568 to Vinas Riera (hereinafter "Vinas Riera"). Claims 7 and 11 stand rejected under 35 U.S.C. §103(a) for obviousness over Vinas Riera. Claims 8-10, 12 and 13 stand rejected under 35 U.S.C. §103(a) for obviousness over Taliaferro. Claims 15-17 stand rejected under 35 U.S.C. §103(a) for obviousness over Taliaferro in view of U.S. Patent No. 2,075,346 to Landau (hereinafter "Landau"). In view of the foregoing amendments and the following remarks, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 28 defines a closure for a glass container arranged to contain liquid, powder or paste, the container defining a first extremely flat annular surface. The closure includes a sealing disc made of a hard material and adapted to sit across the annular surface, the disc defining a second extremely flat surface; means to urge the extremely flat surfaces into parallel abutting contact; and means to prevent lateral movement of the disc relative to the first annular surface. The extremely flat surfaces are adapted to form a first surface tension seal when they are urged into parallel abutting contact. An annular resilient membrane is positioned between part of the abutting flat surfaces to form a secondary seal.

Independent claim 28 recites limitations as to two seals, particularly (1) a surface tension seal caused by the parallel abutting contact of the first and second extremely flat surfaces, defined by a glass container and a sealing disc of hard material, respectively, and (2) a secondary seal formed by an annular resilient membrane that is positioned between part of the abutting flat surfaces that constitute the first seal. Applicant submits that Burnett, Wagner, Taliaferro, Vinas Riera, and Landau, taken separately or combined, fail to teach or suggest the above-mentioned claimed subject matter.

The secondary seal recited in claim 28 improves the sealing capacity of the closure by absorbing shock loads and also providing a mechanism that encourages lift off of the glass seal when the cap is released. The secondary seal also preserves the seal between the closure and the container over long periods of time and reduces impact between the flat surfaces of the container and the sealing disc during bottling.

With respect to Burnett, this reference teaches a closure for a vial (16). The closure includes a hard plastic cap (10), which threadably engages the vial (16), and a stopper (12) bonded to the inside of the cap (10) by glue (14). The stopper (12) becomes disposed between the cap (10) and the vial (16) when the vial (16) is closed so as to abut against the top of the vial (16) and extend into the vial (16) to provide a seal for the vial (16). The stopper (12) is made from a soft and highly elastic material so that it is able to stretch under low stress to seal the vial (16). Please note Figs. 1-5 and column 4, line 49 to column 6, line 27 of Burnett. Applicant submits that Burnett fails to teach or suggest a sealing disc made of hard material forming a first surface tension seal with the vial (16) through parallel abutting contact of first and second extremely flat surfaces, as is claimed, as Burnett teaches a seal formed by an engagement of the soft, highly elastic stopper (12) with the vial (16). Moreover, Burnett fails to teach a secondary seal formed by an annular resilient membrane positioned between part of two extremely flat parallel abutting surfaces, as is claimed, and thus fails to fairly suggest a modification to the closures taught by Wagner, Taliaferro, Vinas Riera and Landau that reaches the claimed invention.

With respect to Wagner, this reference teaches a wine bottle (10) with a complementary screw closure (12) secured thereto. The screw closure (12) includes an

elongated body (22) having external threads (24), which engage internal threads (20) in the neck portion (16) of the bottle to form an air-tight seal between the screw closure (12) and the bottle (10). The screw closure (12) also includes a flange-rimmed top (26) that matingly engages the opening (18) of the neck portion (16) to enhance the air-tight seal provided by the screw closure (12) positioned within the neck portion (16). Please note Fig. 1 and column 3, line 51 to column 4, line 41 of Wagner. Applicant submits that Wagner fails to teach or suggest a sealing disc made of hard material that forms a first surface tension seal with the bottle (10) through parallel abutting contact of first and second extremely flat surfaces, as is claimed, as Wagner teaches a seal formed by an engagement between the body portion (22) of the screw closure (12) and the interior of the neck portion (16) of the wine bottle. At no point does Wagner suggest that the engagement between the flange-rimmed top (26) of the screw closure (12) and the opening (18) of the neck portion (16) have extremely flat surfaces forming a first surface tension seal through parallel abutting contact between the surfaces. Moreover, Wagner fails to teach a secondary seal formed by an annular resilient membrane positioned between part of two extremely flat parallel abutting surfaces, as is claimed, and thus fails to fairly suggest a modification to the closures taught by Burnett, Taliaferro, Vinas Riera and Landau that reaches the claimed invention.

With respect to Taliaferro, this reference teaches a bottle cap having a top portion (3) and a depending flange portion (4) that threadably engages an exterior of a bottle (1). A sealing gasket (8, 10) is disposed between the top portion (3) of the cap and the bottle (1) so as to engage the seat (9) at the extreme outer end of the bottle neck. The sealing gasket (8, 10), which is formed of plastic rubber, is softened by heating and pressure so as to be deformed around the seat (9) in order to form a seal for the bottle (1). Please note Figs. 1-3 and column 2, line 70 to column 3, line 17 of Taliaferro. Applicant submits that Taliaferro fails to teach or suggest a sealing disc made of hard material forming a first surface tension seal with the bottle (1) through parallel abutting contact of first and second extremely flat surfaces, as is claimed, as Taliaferro teaches a seal formed by an engagement of the deformed rubber sealing gasket (8, 10) with the seat (9) at the extreme outer end of the bottle neck. Moreover, Taliaferro fails to teach a secondary seal formed by an annular resilient membrane positioned between part of two extremely flat parallel abutting surfaces, as is claimed, and thus fails to fairly suggest a

modification to the closures taught by Burnett, Wagner, Vinas Riera and Landau that reaches the claimed invention.

With respect to Vinas Riera, this reference teaches a rigid locking cap (1) having an annular bottom (8) and a cylindrical body (5) that threadably engages an exterior of a container (4). An elastic stopper disk (2) is disposed between the annular bottom (8) of the rigid cap (1) and the neck (12) of the bottle (1) and includes a central part (16) that engages a top of the bottle neck (12). Please note Figs. 1-7 and column 2, line 27 to column 3, line 33. Applicant submits that Vinas Riera fails to teach or suggest a sealing disc made of hard material forming a first surface tension seal with the bottle (4) through parallel abutting contact of first and second extremely flat surfaces, as is claimed, as Vinas Riera teaches a seal formed by an engagement of the central part (16) elastic stopper disk (2) with the bottle neck (12). Moreover, Vinas Riera fails to teach a secondary seal formed by an annular resilient membrane positioned between part of two extremely flat parallel abutting surfaces, as is claimed, and thus fails to fairly suggest a modification to the closures taught by Burnett, Wagner, Taliaferro and Landau that reaches the claimed invention.

With respect to Landau, this reference is cited for the teaching of an undercut (m) formed on the inside of the opening of the head portion (a) of the bottle. Landau also teaches that the opening is sealed by an engagement between a compressible cork gasket (h) and a bearing surface (a") formed at the opening. The cork gasket (h) is compressed by an engagement between a cap (e) and an exterior of the head portion (a) of the bottle. Please note the Figure and column 2, line 8 to column 4, line 10 of Landau. Applicant submits that the teachings of Landau fail to overcome the above-noted deficiencies in the teachings of Burnett, Wagner, Taliaferro and Vinas Riera, as Landau also fails to teach or suggest a sealing disc made of hard material forming a first surface tension seal with a bottle through parallel abutting contact of first and second extremely flat surfaces, as is claimed, or a secondary seal formed by an annular resilient membrane positioned between part of two extremely flat parallel abutting surfaces, as is claimed. Thus, Landau fails to fairly suggest a modification to the closures taught by Burnett, Wagner, Taliaferro and Vinas Riera that reaches the claimed invention.

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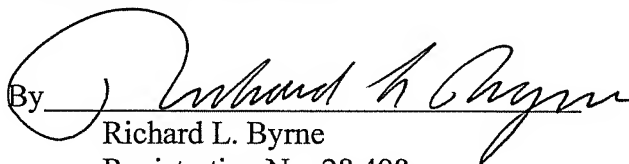
Applicant submits that independent claim 28 is allowable for at least the foregoing reasons, as the prior art of record, including Burnett, Wagner, Taliaferro, Vinas Riera and Landau, fails to teach or suggest the claimed subject matter.

Claims 29-54 are dependent upon and add further limitations to independent claim 28 and are allowable for at least the same reasons discussed above in connection with claim 28.

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 28-54 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 

Richard L. Byrne
Registration No. 28,498
Attorney for Applicant
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com